

ASSEMBLY BILL

No. 1062

Introduced by Assembly Member Saldana

February 22, 2005

An act to add Section 24172.5 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1062, as introduced, Saldana. Medical experimentation: informed consent.

Existing law, the Protection of Human Subjects in Medical Experimentation Act, establishes protections for human subjects who participate in medical experiments, including, but not limited to the requirement of informed consent.

This bill would require human subjects be informed and consent regarding the intended use of any specimen taken from the subject, the subject's right to review all the laboratory reports or any other analysis of the specimen, and the legal rights which the subject may have regarding any patentable pharmaceuticals or other products that are a byproduct of, or synthesized from, any specimen taken from the subject.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 24172.5 is added to the Health and
- 2 Safety Code, to read:

1 24172.5. (a) In addition to the requirements set forth in
2 Section 24172, the experimental subject shall be informed and
3 shall consent to all of the following:
4 (1) The intended use of any specimen to be taken from the
5 subject, including, but not limited to, the duration of use, and the
6 disposition of specimens when the experiment is completed.
7 (2) That, after completion of the study, the subject has the
8 right to review all the laboratory reports or any other analysis
9 regarding a specimen taken from the subject.
10 (b) The subject shall be provided with a written disclosure
11 advising the subject about any legal rights which the subject may
12 have regarding any patentable pharmaceuticals or other products
13 that are a byproduct of, or synthesized from, any specimen taken
14 from the subject.